

POST-CONVICTION DNA TESTING: SHOULD THERE BE LIMITS?

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Forensic science received a boost with televised coverage of the O.J. Simpson trial. Forensic DNA typing has suddenly become a presidential campaign issue in the form of the recent reprieve in the execution of Ricky McGinn in Texas.

What does this mean for the field of forensic DNA typing? Will every convicted murderer request post-conviction DNA typing? Should those requests be granted? How many times have defendants already been incriminated by post-conviction DNA testing? How does the adversarial nature of the legal system impede or assist the truth-seeking role of forensic DNA typing?

This presentation will use the case of Ricky McGinn to illustrate the respective positions taken on this important issue. The presentation will also rely on the case of State v. Davi (South Dakota) and post-conviction testing guidelines promulgated by the National Commission on the Future of DNA Evidence to argue that post-conviction testing should be limited to those cases where guilt is in doubt and the DNA test results will be dispositive of the issue.